Nos. 601, 718 & 719.
Motion Papers for Appts.

Filed Apr. 3, 1897.

IN THE

Supreme Court of the United States.

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OCTOBER TERM, 1896.

No. ~~644~~. 601.

E. H. HUBBARD, ASSIGNEE UNION LOAN AND TRUST COMPANY, APPELLANTS,

v.

J. KENNEDY TOD ET AL., APPELLEES.

No. 718.

THE SIOUX CITY, O'NEILL & WESTERN RAILWAY COMPANY, APPELLANT,

v.

THE MANHATTAN TRUST COMPANY, APPELLEE.

No. 719.

THE SIOUX CITY, O'NEILL & WESTERN RAILWAY COMPANY AND E. H. HUBBARD, ASSIGNEE OF THE UNION LOAN & TRUST COMPANY, APPELLANTS,

v.

THE MANHATTAN TRUST COMPANY, APPELLEE.

RESPONSE TO MOTION TO ADVANCE.

JOHN C. COOMBS,
HENRY J. TAYLOR,
Counsel for HUBBARD *and* THE SIOUX CITY, O'NEILL & WESTERN RY. CO.

IN THE

Supreme Court of the United States.

OCTOBER TERM, 1896.

No. 614.

E. H. HUBBARD, ASSIGNEE UNION LOAN AND TRUST COMPANY, APPELLANTS,

v.

J. KENNEDY TOD ET AL., APPELLEES.

No. 718.

THE SIOUX CITY, O'NEILL & WESTERN RAILWAY COMPANY, APPELLANT,

v.

THE MANHATTAN TRUST COMPANY, APPELLEE.

No. 719.

THE SIOUX CITY, O'NEILL & WESTERN RAILWAY COMPANY AND E. H. HUBBARD, ASSIGNEE OF THE UNION LOAN & TRUST COMPANY, APPELLANTS,

v.

THE MANHATTAN TRUST COMPANY, APPELLEE.

RESPONSE TO MOTION TO ADVANCE.

In the above entitled causes, E. H. Hubbard and the Sioux City, O'Neil & Western Railway Company, in response to service of notice of motion to advance, say:

They concur in the motion, but without prejudice to their own application, submitted at the same time herewith, for this Court to send for the whole record and cause in the above entitled case numbered 718 and 719 (the same being in fact but one case), in which certain questions were certified to this Court.

They repeat, what is said by them in their said applica-

tion, that the presence of the record in said case (numbered 718 and 719), will bring the meritorious question in that case, and the only one which shows its relations to said case No. 614 before this court, and will shorten and simplify the argument in the whole cause.

Without such certification there is no special reason why the cases should be heard together, for the technical questions in the case sent to this Court on certification (No. 718 and 719) do not show any connection with or dependency upon the case No. 614, brought up on certiorari, and no special reason would appear why both cases should be advanced together.

With the whole cause before the Court, a speedy determination of all of it is desirable, for the reason stated in the motion of the Manhattan Trust Co., and Tod & Co., and for the further reason that the properties in controversy were put into the hands of a receiver, on original applications by the Manhattan Trust Co. and Tod & Co., and not by Hubbard, or said Sioux City, O'Neill & Western Railway Company, who should be in control of all of the properties but for these proceedings, and who have been and still are deprived of all use and benefit in or of the same, and have derived nothing whatever from the income and operation thereof.

It is not understood that the Manhattan Trust Company and Tod & Co. charge Hubbard, or the Sioux City, O'Neill & Western Railway Company, with causing any delay in the proceedings, or intending to prejudice the meritorious questions involved, and while Hubbard and the railway company do not concur in the statements of the case as presented in the motion, they earnestly join in asking that, as soon as the record can be completed as asked for, the united cause may be advanced.

JOHN C. COOMBS,
HENRY J. TAYLOR,
Solicitors for HUBBARD *and the* SIOUX CITY, O'NEIL & WESTERN RY. CO.